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New York

President:	Mr. Kolby	(Norway)
Members:	Bulgaria	Mr. Tafrov
	Cameroon	Mrs. Mahouve Same
	China	Mr. Wang Yingfan
	Colombia	Mr. Franco
	France	Mr. Levitte
	Guinea	Mr. Fall
	Ireland	Mr. Corr
	Mauritius	Mr. Gokool
	Mexico	Mr. Aguilar Zinser
	Russian Federation	Mr. Karev
	Singapore	Ms. Foo
	Syrian Arab Republic	Mr. Wehbe
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Cunningham

Agenda

Protection of civilians in armed conflict

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02-28785 (E)

The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

Protection of civilians in armed conflict

The President: In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Kenzo Oshima, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

There being no objection, it is so decided.

I invite Mr. Oshima to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing from Mr. Kenzo Oshima, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator. I invite Mr. Oshima to take the floor.

Mr. Oshima: I would first like to thank you, Mr. President, for the opportunity to address the Council once again on the issue of the protection of civilians in armed conflict.

I am aware of concerns relating to the number of thematic issues brought to the Council's attention in recent years. Given the daily threat to civilians in many conflicts around the world, however, I believe that it is critical to keep this important issue high — and firmly — on the Council's agenda. It is important that decisive and timely action be taken to end the suffering of millions of innocent victims of warfare, including many women and children.

Take the Middle East, for example, where the escalation of violence has resulted in many civilian casualties over the past few days alone. In his statement to the Council on 12 March, the Secretary-General indicated that "the toll of the dead and wounded, particularly among innocent civilians, has risen to levels that can be described, without exaggeration, as appalling" (*S/PV.4488, p. 2*). He specifically emphasized that the use of heavy weaponry by Israel in civilian areas has made life even more difficult and precarious for Palestinian civilians, who were already subjected to severe physical and economic hardships, and that it must stop. Also, he told the Palestinians that the deliberate and indiscriminate targeting of Israeli civilians is morally repugnant. He said that acts of terror and suicide bombings must stop. Against this backdrop, Security Council resolution 1397 (2002) represents a crucial step in reconfirming the need to ensure the safety of civilians and to ensure respect for universally accepted norms of international humanitarian law in the context of the Middle East. Our concerns, however, remain.

Or take the Sudan, where we have collectively been dismayed by the recent pattern of attacks on civilians, humanitarian workers and facilities, including the shameful attacks on civilians gathered at or near food distribution sites. The United Nations has voiced its serious concern about these attacks, and one of the key donors to that country — the United States — subsequently put on hold the implementation of the Danforth plan, aimed at increasing humanitarian access in the Sudan, until such time as the Government of Sudan demonstrates its commitment to investigate the incidents and put remedial measures in place. Therefore, we welcome the 10 March agreement between the Government of Sudan and the Sudan People's Liberation Movement to establish an international verification mission to investigate reports of attacks on unarmed civilians. We await concrete results.

In Angola, more than a third of the population — approximately 4.6 million people currently — is displaced as a result of a conflict which has lasted for more than 30 years. Further displacement has occurred over the past few weeks since my last briefing to the Council, in part due to the military strategy of the Government. The declaration of a ceasefire by the Government on 13 March, therefore, is ground-breaking news. We are monitoring its implementation, and I call upon the Council's commitment and support in that respect.

In this context, I would like to comment on the serious allegations of sexual exploitation of children in refugee camps in Liberia, Sierra Leone and Guinea. Like the Secretary-General, I am deeply disturbed by these allegations. As members are aware, the

Secretary-General has directed that these allegations be investigated as thoroughly and urgently as possible and that remedial action aimed at strengthening the protection of women and children be taken as necessary. He has also reiterated a policy of zero tolerance for any such acts perpetrated by anyone employed by or affiliated with the United Nations. As a result, the Office of Internal Oversight Services immediately launched an investigation into the allegations with the aim of recommending remedial action against any individuals found to have perpetrated any such act. The result of the investigation will be made public in a report to the General Assembly. Also, the Office of the United Nations High Commissioner for Refugees (UNHCR), protection personnel and senior field managers have been tasked to undertake immediate measure to enhance the protection of children in refugee camps in West Africa and other places.

Additionally, in my capacity as the Emergency Relief Coordinator, I have urged the development by relevant agencies of measures and policies to prevent transgressions against the very women and children they are serving, in close collaboration with the Inter-Agency Standing Committee and with the humanitarian coordinators in the field. As a first step, the Inter-Agency Standing Committee, on Wednesday of this week, created a task force aimed at developing quick proposals to enhance immediately the protection of children in refugee camps from sexual abuse.

While these problems and situations, among others, continue to demand our most pressing attention, it is important not to lose sight of the progress that has been made in enhancing the protection of civilians in recent years, both by the Council and by the international community more widely, including numerous non-governmental organizations.

First, on the progress side, the Security Council's past consideration of the issue has in many cases resulted in a tangible mitigation of human suffering. For example, child and gender advisors have been incorporated into peacekeeping missions. Recent Council resolutions have increasingly advocated safe and unimpeded humanitarian access to vulnerable populations. The Council is also considering sanctions that are more targeted, and are designed to limit their unintended humanitarian impact. It should be noted that the Council's consideration of the issue of protection has increased awareness within and outside the United Nations system of the many different steps and initiatives that can be taken to alleviate human suffering and, thereby, has expanded its "toolbox" when responding to conflicts around the world. Indeed, the principles and standards advocated and set by the United Nations system have contributed in many places to directly enhancing the protection of civilians.

Secondly, in the spirit at least of the 54 recommendations contained in the Secretary-General's two reports on the subject matter, many positive initiatives have been undertaken to enhance the protection of vulnerable populations on the ground. I would just like to note a few of them.

In Sierra Leone, some 46,500 combatants have been demobilized and disarmed, in recognition of the importance of improved security conditions for building a lasting peace. They are now ready to be reintegrated into their communities. Together with the establishment of a Special Court to try serious crimes committed in the past and of the Truth and Reconciliation Commission, this initiative constitutes a significant signal towards peace and stability in the region.

In the Democratic Republic of the Congo, UNHCR and the United Nations Observer Mission in the Democratic Republic of the Congo have jointly separated more than 1,000 former combatants and their families from the larger civilian refugee population and have transferred them to a new location. These efforts are essential to preserving the civilian nature of refugee camps and to ensuring the safety and security of refugees and surrounding populations.

As the third point on the positive side, I would like to note that the increased dialogue and partnerships among agencies, through coordinated efforts, are producing encouraging results. My own Office, the Office for the Coordination of Humanitarian Affairs (OCHA), has convened a working group of United Nations humanitarian agencies that is developing guidelines for aid workers on the terms of their engagement with armed groups in providing humanitarian assistance and protection. The guidelines will based on best practices and international humanitarian and human rights law. The goal is to ensure common standards for humanitarian workers when engaging in a structured dialogue with these groups to gain access to vulnerable populations and the necessary space for humanitarian operations.

Similarly, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, the United Nations Children's Fund (UNICEF), the Department of Peacekeeping Operations (DPKO) and the Department of Political Affairs have set up an inter-agency working group that is looking into child protection issues within United Nations peacemaking, peacekeeping and peace-building processes. An informal working group on training for peacekeepers has also been convened by UNICEF, the Office of the Special Representative for Children and Armed Conflict and a Swedish non-governmental organization to produce a training package on child protection issues, which will be used by all United Nations peace operations.

Finally, we are gratified that progress has been made in the ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The International Criminal Court is only five more ratifications away from its entry into force.

All of these initiatives highlight the progress that has been made in our efforts to improve the protection of civilians, but they also demonstrate the continuing need to keep this issue on the Council's agenda.

We realize that progress in implementing the measures referred to in the Secretary-General's recommendations depends on the extent to which the issue is being mainstreamed into the daily work of the Organization — within both the Council and the Secretariat. In this regard, I am pleased to inform the Council about the progress made on two significant initiatives: first, the development of the aide-memoire; and secondly, the agreement on standard operating procedures between OCHA and DPKO to facilitate closer cooperation on issues related to the protection of civilians in the design of peacekeeping operations. Both measures were, of course, requested by the President of the Council in his letter addressed to the Secretary-General dated 21 June 2001.

First, in an unprecedented example of interactive cooperation between the Council and the Secretariat, an aide-memoire has been developed that will serve as a checklist to Council members when considering the establishment, change or close of a peacekeeping operation. The aide-memoire represents the accumulated expertise of many entities within and outside the United Nations system, most notably DPKO, OCHA, UNHCR, UNICEF, the World Food Programme and other key humanitarian and human rights partners.

It was the subject of extensive consultations, at the expert level, with the members of the Council. In this respect, I would like to commend Norway for its wise leadership and hospitality when guiding the informal discussions. I am also gratified by the strong working relationship and collaborative spirit that were fostered by the Secretariat and the Security Council throughout this process.

Jointly, we have striven to create a document that is both concise and informative, while at the same time remaining practical and applicable to the wide range of situations and requirements emerging in the course of an armed conflict. It is intended as a "living" document that will be regularly updated in a continuing, collaborative effort between the Council and the Secretariat.

The aide-memoire identifies 13 core objectives for protecting civilians in armed conflict and the corresponding key issues for consideration in meeting those objectives. It also contains a list of references to previous country-specific and thematic Security Council resolutions and presidential statements pertaining to each of those objectives. This is intended to serve as a quick and easy reference guide for Council members when developing a peacekeeping mandate. It may also serve as a piece of institutional memory for Council members. For the Secretariat, it will also serve as a relevant checklist and guide us as we undertake our daily work and report on the protection of civilians, both in the field and at Headquarters.

The aide-memoire also addresses another request by the Council. I recall that, during my briefing last November, some Council members asked me to consider ways of integrating four interrelated thematic discussions, namely, the protection of civilians in armed conflict; women, peace and security; children in armed conflict; and conflict prevention. In my view, the aide-memoire will provide, at least in part, a useful framework for the consideration of these interrelated, complementary issues.

Lastly, we intend to hold workshops and training sessions on the issue of the protection of civilians — including on the practical application of the aide-memoire — for our field staff, mid-level government

officials, academic institutions and practitioners in various parts of Asia, Africa and Latin America in the coming months in order to move protection issues further into the mainstream of decision-making and policy development. We look forward to the active participation of the Council in making the aide-memoire a practical, lasting and effective decision-making tool of the Council.

As I stated earlier, promoting the protection of civilians in the design, planning and implementation of peacekeeping operations requires closer cooperation between all parts of the United Nations, in particular DPKO and OCHA. To this end, we have reached an understanding with our colleagues from DPKO on how to ensure that protection issues are given sufficient and regular attention in briefings or reports pertaining to peacekeeping operations.

OCHA will ensure, through its focal point on the protection of civilians, that its own expertise and analytical capacities and those of relevant partners — including those from the Inter-Agency Standing Committee framework — are paired with DPKO's long-standing expertise and experience in the design and operation of peacekeeping missions. In this regard, we hope that this reinforced cooperation will assist the Council, providing, where appropriate, complementary briefings on specific protection concerns during its deliberations on the establishment, change or close of a peacekeeping operation.

Before concluding, I would like to update the Council briefly on the progress made in the reorganization of those recommendations of the Secretary-General where a consensus exists, as reflected in resolutions 1265 (1999) and 1296 (2000). For the sake of convenience, I will refer to this exercise as a "road map" — it reorganizes the Secretary-General's recommendations into different themes, identifying institutions responsible for implementation and defining the necessary steps to be taken for such implementation, including those for cooperation and coordination.

To assist in the preparation of the road map, my Office has continued the round-table discussions initiated last fall, adding two more, which took place recently — in February and March — with the participation of all interested Council members. In this respect, I would like to express my gratitude to the Governments of Norway and of Canada for providing the necessary financial support for these events. As before, the round tables have contributed to raising the awareness of the importance for matters of peace and security of issues related to the protection of civilians, and have generated invaluable recommendations and food for thought. The rapporteurs' reports from these meeting will be made available to members of the Council shortly.

In the meantime, I would like to highlight just a few key points that emerged from those round-table meetings. Participants emphasized the challenges posed to humanitarian operations by the increasingly blurred distinctions between civilians and combatants in conflict zones, especially in the areas of access and safety. They noted the growing toll of civilian deaths in recent years and the frequency and severity of assaults on humanitarian personnel and property. Several participants worried that this may indicate an increasing disregard for the standards of international humanitarian law. Lastly, it was emphasized that, faced with the realities of today's conflicts and despite serious challenges to the peace and security of their countries, Member States must adhere to, and continue to promote, the humanitarian and legal standards established over the last 50 years.

While all the activities I have described reflect progress in our joint endeavour, they cannot substitute for the willingness of the Council to act decisively on each of the concerns brought to its attention. Although ultimately the primary responsibility for the protection of civilians falls on the Governments and armed groups involved in conflict situations, swift action by the Council is indispensable where Governments do not honour those responsibilities or deliberately act in violation thereof.

In conclusion, I look forward to working closely with the Council on the finalization of the road map in the coming months and on the regular updating of the aide-memoire. I hope that the understanding on closer cooperation between OCHA and DPKO, together with continued collaboration with our humanitarian partners in the Inter-Agency Standing Committee, will contribute further to enhancing the protection of the millions of civilians caught in conflict areas around the world. In that respect, I hope that in the next briefing to the Council on this issue, we can record even more examples of progress, and I look forward to the next report of the Secretary-General on the protection of civilians in armed conflict, in November 2002.

The President: I thank Mr. Oshima for his presentation and for his kind words addressed to my country.

Mr. Levitte (France) (*spoke in French*): I thank Mr. Kenzo Oshima for his very thorough briefing.

Sometimes in the Security Council, and indeed outside the Council, people ask about the relevance of these thematic debates. I think we need not ask that question today. This debate is entirely justified. I shall give just one figure to illustrate that fact. During the First World War, between 1914 and 1918, 95 per cent of the victims were soldiers. Today, 95 per cent of the victims of conflict are civilians. There has therefore been a radical change in the situation, which has rightly prompted the Council to discuss the question of how it should react to these new circumstances. Under the Charter, of course, the Council has the primary responsibility for the maintenance of international peace and security. Whenever it can, it responds through its first method of acting, namely, intervening directly in conflicts.

But the fact is that there are currently about 50 conflicts throughout the world, both between and within States, and more than half of them are taking place in Africa. Therefore, in addition to our action — diplomatic or on the ground — we must ask ourselves how, given the conflicts taking place, we can protect civilian populations, which are now the primary victims of those conflicts.

The Council is increasingly concerned about acting on the causes of those conflicts and the elements employed in pursuing them. In terms of the elements, I am thinking in particular of small arms. I think we have reason to embark on the huge task of combating the proliferation of small arms, which cause by far the largest number of victims. We are also concerned about cutting off the sources that feed those conflicts — I am thinking here of conflict diamonds and the plunder of natural resources. In that connection, Mr. Oshima mentioned the conflict in the Democratic Republic of the Congo. It is said that there have been 3 million victims in three years in that conflict, mostly civilians; they were not direct victims of the armed conflict, but of the consequences of the conflict, primarily forced labour.

As I am on the subject of the Democratic Republic of the Congo, I should point out that the most recent information available to us about fighting in the Moliro region is particularly serious. It appears that seven battalions of Rwandese troops — about at least 10,000 people — are engaged in an offensive in the area of the Great Lakes and surrounding land routes. This is a major assault and marks a resumption of the war. It is unacceptable that the United Nations Organization Mission in the Democratic Republic of the Congo cannot shed light on what is now taking place in Moliro. We are facing a resumption of war, and MONUC must give us information about it.

Of course, apart from Africa there is also the conflict in the Middle East. How can we fail to say that the Fourth Geneva Convention is being seriously violated on a regular basis in the Middle East?

There is one subject on which we must continue our work. I am talking about the question of sanctions. This is a tool that is available to the Council. Its legitimacy would be more accepted if sanctions did not have secondary effects on civilian populations. We have started working on this aspect of the issue through better targeted and time-bound sanctions. I think we need to continue to work on this through, among other things, the idea of humanitarian exemptions, which deserves further discussion.

As a whole, a look at the long list of resolutions mentioned in the annex to the aide-memoire might lead us to wonder whether we should be making an admission of powerlessness today. I do not think so. I think that the aide-memoire shows both what remains to be done and the progress the Council has made to equip itself with a tool — a toolbox, if you like — that is helping us, and that will continue to help us, to act more effectively and in a more targeted fashion. We will need to continue to enrich the aide-memoire and to adapt it as we go further in our discussion. We must also see to it that the Council, with the assistance of the Office for the Coordination of Humanitarian Affairs, establishes better coordination with the various international stakeholders — Mr. Oshima mentioned the Office of the United Nations High Commissioner for Refugees and other agencies — so that the victims of conflict increasingly include fewer women and children.

In conclusion, I would like to pay a threefold tribute. First of all to the Secretary-General, who in his 1999 and 2001 reports rightly alerted us and mobilized us regarding this topic. Secondly, I would like to pay tribute to Mr. Kenzo Oshima, who has methodically

and dynamically continued his work with the Council to assess situations and to develop a useful tool for us. Lastly, I would like to pay tribute to you, Mr. President. You have lent your support to this issue with your well-known talent, and you have also provided Norway's energy, which has mobilized itself on behalf of this good cause.

The President: I thank the representative of France for the kind words he addressed to my country.

Sir Jeremy Greenstock (United Kingdom): We respect the request which you made, Sir, at the beginning of your presidency to provide short, focused interventions. I have to thank you for ensuring that the Council deepens its understanding of this important subject. Presidential statements from February 1999 onwards and resolutions 1265 (1999) and 1296 (2000) have all been recognized as important benchmarks. Therefore, we welcome this discussion and the production of the aide-memoire to move us forward from the general expressions of interest in the subject of protection of civilians in armed conflict that we have had in past discussions.

The commitments made by heads of State or Government in the Millennium Declaration are also very relevant to this discussion. In that Declaration, Member States pledged to "expand and strengthen the protection of civilians in complex emergencies" (*General Assembly resolution 55/2, para. 26*). That was an important step forward, and the Secretary-General's statements on this subject since then have noted the importance of that commitment. His report in March 2001 on the protection of civilians in armed conflict (S/2001/331) called for the establishment of a culture of prevention, a concept which gives life and purpose to the need for an aide-memoire to aid our forward thinking.

I am not going to comment this morning on specific instances around the world. The very useful presentation that we had from the Under-Secretary-General gives some illustrations of where things are going wrong.

We would very much like to thank the Office for the Coordination of Humanitarian Affairs (OCHA) and its United Nations partners for their efforts in preparing the aide-memoire we have now. But the point is that it marks a step forward in the practical action that we can take over and above the rhetoric in which we have engaged in previous debates. While the Council is becoming steadily more informed about many of the issues contained in it — the special role of women and children in conflict comes to mind here — I would suggest that we sometimes overlook many others. The insidious effects of landmines on civilians are one example. The role of the media and information is another. The exploitation of natural resources and their effect on prolonging conflicts, and so the effects on civilians caught up in those conflicts, is yet another.

As recent and ongoing conflicts show — and the Under-Secretary-General has given us examples this morning — each of these issues has the potential to do much damage to the protection of civilians. But their specific effects are not often well understood, and often we realize how they have impacted on protection of civilians only when it is too late to take remedial action.

It is important to understand that each of the primary objectives contained in the document is of interest not only to the humanitarian wing of the United Nations. Because of the complex interaction between these issues and the conduct of conflict, they are also important in the context of maintaining peace and security. By definition, therefore, they demand the proper attention and consideration of the Security Council. The aide-memoire helpfully underlines that.

To provide one example, recent allegations surrounding the conduct of United Nations workers in West Africa has outlined the possible value of the aide-memoire in highlighting relevant protection concerns and, in so doing, enhancing a more systematic approach to our planning process. On the training of security forces and other United Nations staff charged with carrying out the work of the Organization, we need to have codes of conduct that give substance to the Secretary-General's call for zero tolerance in cases of abuse of civilians by United Nations personnel. We need to understand what this means for the system. In the view of the United Kingdom, such a code of conduct must have a system-wide application, affecting all who work under the blue flag, including United Nations humanitarian agencies and implementing partners associated with United Nations programmes.

Such codes of conduct need to be transparent, clear and credible, underlining the need for accountability, and they should be properly regulated. They could also assist in preventing the development of a climate of impunity fostering an environment in

which terrible crimes and abuse can take place — a point made very specifically to us recently by the Special Rapporteur on violence against women, Ms. Coomaraswamy, in the case of Sierra Leone, when she talked to an Arria formula meeting the other day.

Having enumerated the issues pertinent to the protection of civilians, we need to ask how the system is to work these into its planning processes. Clearly, strengthening the planning and strategic capacities of the United Nations will be important in operationalizing much of the thinking contained in the aide-memoire. I am glad to hear from Mr. Oshima about the workshops planned to spread good practice amongst United Nations personnel.

I, too, would like to draw attention to the President's letter of last June (S/2001/614), which called for the establishment of a cross-cutting team between OCHA and the Department of Peacekeeping Operations. This would be a clear step forward towards the integration which the United Kingdom is always calling for.

The Under-Secretary-General has given us useful details this morning of measures in all these areas which the Secretariat is taking. I hope he will keep us informed on progress on mainstreaming the concerns set out in the aide-memoire. We would welcome future joint briefings from Mr. Oshima and Mr. Guéhenno in that respect.

We also need to be careful that there is consistency and synergy between our aide-memoire and the road map of recommendations arising from the Secretary-General's report of March 2001 (S/2001/331), and which we also requested in the President's letter last June to the Secretary-General.

In conclusion, let me draw attention to the covering letter which very sensibly sets out the aide-memoire's purpose and which we will adopt this morning as a presidential statement. It is not meant to prescribe or to limit the Council's actions, or to treat selectively any aspects of the wide concerns captured in the many resolutions cited in the aide-memoire. So it is not meant to be an inflexible constraint on our work. Rather, it is intended to be a compendium of issues which may be relevant for the Security Council's consideration. The aide-memoire should be updated as necessary, so that it can be used, on a case-by-case basis, as a tool kit in designing appropriate responses to the situations which come before us.

That is the spirit in which the United Kingdom will be using this document. We encourage other Council members to do the same.

The President: I thank the representative of the United Kingdom for the kind words he addressed to my country.

Mr. Franco (Colombia) (*spoke in Spanish*): I want to begin, Mr. President, by thanking you and your delegation for having included this briefing on the programme of work for this month. We want to express special gratitude to the Government of Norway for its high standing in addressing the subject of protection of civilians in armed conflict.

We would also like to express our thanks to Mr. Kenzo Oshima, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, for his briefing. We appreciate the work that he and his Secretariat team are doing to respond to the requests of the Security Council in connection with the subject before us today.

Today, a valuable tool is being given to us in the form of an aide-memoire which will guide the Security Council's considerations on humanitarian issues related to peacekeeping mandates. We believe that through this procedure the Council is becoming more aware of the toll that armed conflict takes on the lives of civilians. We are also reminded that we must work even harder to prevent and resolve conflicts. That is the best way of avoiding the hardship and suffering that we are witnessing in many parts of the world today.

We feel that it should be underscored that this aide-memoire has been prepared in close consultation with the Security Council and that we all recognize the need to apply it on a case-by-case basis, taking into account the specific needs of every conflict situation and of every peacekeeping mission in the field. Practice will show us the way forward.

We would like to highlight three aspects of Mr. Oshima's briefing, with a view to asking him a few questions on those points.

First, I believe that we all are deeply concerned at the abuses under investigation which were committed in refugee and displaced-person camps in West Africa. In addition to the degrading nature of this behaviour, light has been shed on the complex relationship between the ideals of humanitarian service, the quality

of that service in some areas and the management of funds received from the public for this work.

I should like to ask Mr. Oshima if he could elaborate, along the lines of what was mentioned by Ambassador Greenstock, on codes of conduct for international workers, who sometimes do not feel themselves to be accountable to society.

In asking this question, I should like to highlight two aspects. First, it is our hope that this problem will not be dealt with as something focusing only on West Africa, but, rather, that we will focus on the fact that this is a problem that can arise wherever there exists a humanitarian crisis. Secondly, the problem involves not only humanitarian workers; questions have also been raised regarding the personnel of peacekeeping operations.

Secondly, I should like to comment on the facilities for access by humanitarian organizations to those persons that are most vulnerable in situations of conflict. We are seeing today many situations in which access is difficult — in Afghanistan, Angola, the Democratic Republic of the Congo and in other areas. Do we have more or less precise figures regarding this disturbing reality? What are the general views of the international community on this situation? And how it can be corrected, on the basis of the norms of international law and in particular of General Assembly resolution 46/182 on the coordination of emergency humanitarian assistance?

I should like to make one last point regarding the future work of the Secretariat. We want to underscore the valuable contribution to an understanding of humanitarian issues that is being made by the round tables organized by the Office for the Coordination of Humanitarian Affairs, with a view to preparing a road map on the practical implementation of, and the institutional responsibilities related to, the 54 recommendations on the protection of civilians that were made by the Secretary-General.

We would be interested in hearing some thoughts about the interaction of humanitarian organizations with non-State actors in armed conflicts. We are all aware of the many abuses and violations of international humanitarian law committed on a daily basis by these groups, and the fact that the international community has a very minimal capacity to react to them.

It is our understanding that in Geneva the Inter-Agency Standing Committee has been examining this question, with a view to preparing some directives for United Nations workers. Perhaps Mr. Oshima could tell us something about this.

The President: I thank the representative of Colombia for the kind words he addressed to my country.

Ms. Foo (Singapore): First, let me join others in thanking Under-Secretary-General Oshima for his extensive and comprehensive briefing and the Norwegian presidency for its delegation's efforts to keep the important issue of protection of civilians in armed conflict high and firmly on the Council's agenda. It is indeed important to revisit the issue from time to time to ask ourselves whether what we have been saying and doing so far is making a difference on the ground.

In this regard, we would like to make three quick points.

First, concerning the road map, the Office for the Coordination of Humanitarian Affairs (OCHA) has conducted several round-table discussions on this topic so far. There has been significant feedback from the relevant agencies involved in this exercise, but, while it is easy for the agencies to highlight the problems and the gaps, it has been a more difficult exercise to recommend specific tools of implementation. Therefore, in the report on the road-map exercise that the Secretariat will be submitting, it might therefore be useful to highlight specific tools of implementation that could be used to implement the recommendations.

Secondly, we welcome the adoption of the draft aide-memoire, to take place later today. We believe that it could become a useful tool in the consideration of current and future issues pertaining to protection of civilians. In this regard, we would like to suggest that a review be conducted of the current peacekeeping operations using the aide-memoire as a checklist for evaluation.

This serves two purposes: first, it allows us to assess if current peacekeeping operations have been effective in protecting civilians and whether there could be further improvements to provide better protection for them; and secondly, it helps to evaluate the practical usefulness of the aide-memoire as a guide and reference. This will help us to develop the aide-

memoire further, as Under-Secretary-General Oshima noted, as a living document.

As we have consistently emphasized in all of our discussions on this and other related subjects, the Council will not be judged by the number of documents we adopt on important but abstract principles, but by how we apply those principles to the actual conflict situations we deal with in a consistent way. To help this review, the Secretariat may wish to keep the Council informed about the usefulness of the practical application of the aide-memoire which the Secretariat is planning to carry out, including through the November 2002 reports.

Thirdly, protection of civilians is best served if we can act prior to an impending conflict. The Council should not react only when large-scale violence has taken place but should conduct itself proactively, and act collectively, to prevent such conflict. The culture of prevention has not yet fully taken hold. The Council has been hearing ad hoc reports on disputes that could pose a threat to international peace and security. What is clearly lacking now is a structured mechanism that could be implemented, when receiving such reports, to contain a potential conflict. It may therefore be worth the Council's while to reflect on this issue at a later stage.

The President: I thank the representative of Singapore for the kind words she addressed to me.

Mr. Corr (Ireland): I would first like to join others in thanking you, Mr. President, for arranging today's public meeting of the Council on protection of civilians in armed conflict and also to express warm appreciation for Norway's work, not only in advancing agreement on the aide-memoire we will be adopting later but for Norway's emphasis on this issue over the recent period.

The remarks made by Under-Secretary-General Oshima in his briefing emphasize the crucial importance of the issue of protection of civilians in armed conflict. Ambassador Levitte rightly made the point that in the First World War, 95 per cent of victims were soldiers. In recent decades, the casualty toll in wars in many parts of the world predominately relates to civilians. This therefore makes it all the more important that the issue of protection of civilians in conflict situations become a matter of the greatest importance to the Council.

For that reason, Ireland very much welcomes the aide-memoire we will be adopting later today. It is rightly noted in the document's introduction that this is not intended to be a blueprint; it is, instead, as has been said by previous speakers, a tool box. We also agree that it is important — Under-Secretary-General Oshima, I think, made this point also — that it be periodically reviewed in the light of our own assessments and in the light of our experience with peacekeeping mandates. Nonetheless, it is a synthesis of the central steps that may need to be considered by the Council in dealing with this critical issue.

In recent decades, we have constructed an elaborate edifice of international human rights and humanitarian law. Now, the issue of protection of civilians in armed conflict is at the forefront of our consideration. At the same time, we still have to make the transition to the implementation and creation of what the Secretary-General has called in his reports a culture of prevention and a culture of protection.

My delegation welcomes the comments made by the Under-Secretary-General this morning on the road map and on the reorganization of the 54 recommendations from the Secretary-General's reports. We feel that the round-table discussions have been very helpful and we think that it is important that, in this area, we also achieve a strong level of coordination between our own assessment and consideration of the aide-memoire and its objectives and what will emerge in terms of the road map.

There are three or four very general points of emphasis I would like to make as regards Ireland's view.

First, it is clear that the Security Council, the General Assembly, other United Nations agencies and the international financial institutions need to work more closely together in this area. It is also true that national Governments, of course, have the central responsibility, but the issue of coordination and ensuring that there is a broad symmetry in the approaches taken is of critical importance. For that reason, I would like to pay special tribute to the work that the Office for the Coordination of Humanitarian Affairs (OCHA) has been doing in this area. It is at the normative level not merely in strengthening awareness of the issues, but also in terms of the practical implementation of important objectives in this area. Much has already been done and we appreciate that.

Secondly, on the point of justice — on which we had a very useful meeting between the Council and special representatives from the field a few weeks ago — this is an important issue that is rightly highlighted in the aide-memoire. Bill Berkeley, in his book *The Graves Are Not yet Full* — a study of wars in Africa published last year — rightly said that justice is not only an answer to tyranny, but a window on it. We therefore regard this issue as important. Ireland, for its part, fully endorses the exclusion of genocide, crimes against humanity and war crimes from amnesty provisions and would like to see emphasis given to the issue of justice in the aide-memoire.

The issue of humanitarian access has, of course, to remain a key priority. I was grateful for the update given by the Under-Secretary-General on this and for the working group study on the issue of engagement with armed groups.

On the plight of internally displaced persons, this is also an issue of importance that is highlighted in the aide-memoire. An overriding concern remains the dire humanitarian circumstances in many countries. The Under-Secretary-General mentioned a figure of 4.6 million internally displaced persons in Angola. He also referred to the situation in the Sudan and the recent attacks. In terms of how we approach the objectives in the aide-memoire, this will therefore be an important issue in the period ahead.

Finally, women and children almost always are the principal victims of armed conflict. Therefore, as issues for consideration in the aide-memoire, we welcome the inclusion of a number of issues relating to the effects of armed conflict on women and children. We welcome the references made to special protection measures, activities within the United Nations system and mainstreaming of the gender perspective, including the integration of gender advisers in peace operations and expanding the role of women in United Nations field operations.

Last year's report of the Secretary-General noted that no peacekeeping or peace enforcement mission has yet been authorized to close down the assets of hate media. My delegation considers action regarding hate media as important. It is referred to in the aide-memoire; like all aspects of the aide-memoire, this is not a prescription for every circumstance. Freedom of the press is, of course, fundamental to democracy, but we feel it fully right that this issue has been referred to in the aide-memoire.

In conclusion, let me again thank Under-Secretary-General Oshima for the work that OCHA is doing in this area. This is a critical issue. We believe that it should be kept highly and firmly on the Council's agenda and look forward to the Secretary-General's next report towards the end of the year.

The President: I thank the representative of Ireland for his kind words addressed to me.

Mr. Wang Yingfan (China) (*spoke in Chinese*): Let me begin by thanking Under-Secretary-General Oshima for his briefing.

In armed conflicts throughout the world, innocent civilians represent a growing percentage of victims, generating widespread concern in the international community. In recent years, the Security Council has held many debates and adopted a number of resolutions and presidential statements on this issue. It is our hope that today's discussions and the aide-memoire to be adopted will facilitate the efforts of the international community to protect civilians in armed conflict.

The protection of civilians in armed conflict is a multifaceted mission in which the international community, including the humanitarian relief agencies, has done a great deal. All the mandates of United Nations peacekeeping operations have, to varying degrees, incorporated the protection of civilians. The main responsibility for protection, however, rests fundamentally with the Governments and parties to the conflict concerned. The Council must urge all parties concerned to seek a solution through dialogue and peaceful means and strictly to abide by international humanitarian law so as to avoid making innocent civilians suffer.

For the United Nations, the Security Council in particular, the prevention and early cessation of armed conflicts are the most effective ways to protect civilians. Two days ago, the Security Council adopted resolution 1397 (2002) on the issue of the situation in the Middle East, including the Palestinian question, in which it demanded immediate cessation of all acts of violence and a political settlement through negotiation. We believe that this is an important step by the Council and one that is long overdue.

Apart from the Palestinian-Israeli conflict, many armed conflicts around the world continue to endanger

the safety and security of innocent civilians and thus threaten regional and international peace and security. The Council should make further efforts to mitigate and seek solutions to these conflicts so as to establish conditions conducive to the protection of civilians in armed conflict.

Mr. Cunningham (United States of America): I, too, want to thank the Under-Secretary-General for his report today and for the efforts he and his staff have made to produce this document. It is a good piece of work and an innovative piece of work in helping us to be more concrete about this important subject.

I also want to join others in thanking you, Sir, and your delegation for your efforts in working with Council members and the Secretariat to reach agreement on the document. I think this was a good practice and is a good precedent, and I hope we can emulate it in the future.

We have always considered the protection of civilians in armed conflict to be at the heart of the United Nations task and this Council's task in dealing with war and conflict. Unfortunately, the long list of examples of the difficult problem that the Under-Secretary-General provided this morning could be even longer. It is an urgent and pressing problem, but I think that today's discussion and the aide-memoire show that we are, in fact, institutionally making some progress in dealing with it. I also want to welcome Mr. Oshima's affirmation of the zero tolerance policy to be followed when the protectors begin to prey on the protected.

The aide-memoire is a useful step forward, I think, because it provides clarity, focus and specifics to the discussion that we are having about how best we can organize ourselves to afford the maximum amount of protection to civilians. It sets out rather clearly, schematically and usefully the instruments that the international community and this Council can bring to bear, depending on the circumstances. I was also glad to hear Mr. Oshima's remarks about how knowledge of the existence and use of these instruments could be spread more broadly throughout Governments and the United Nations system. We support very much the intent to follow up on the aide-memoire and to refine it further in the future, as our experience in the use of the instruments increases.

I was particularly struck by the aide-memoire's "precedents" column, which shows, I think — as one would hope — that we are bringing these instruments to bear. It is also interesting that almost all of the examples set out in the "precedents" column are contained in resolutions that we have adopted in the last two years. I hope this shows that we are, in fact, merging our operations in the Council with the more theoretical approach taken in the thematic discussions.

We look forward to the Secretary-General's report in November. We join others in encouraging better coordination and integration within the United Nations system and between the United Nations system and nations that are participating in various aspects of peacekeeping or other operations. I would like to lend my support to the thought that the Office for the Coordination of Humanitarian Affairs (OCHA) and the Department of Peacekeeping Operations (DPKO) consider providing us with a joint briefing on this effort in the future.

The President: I thank the representative of the United States for his kind words addressed to my country.

Mr. Gokool (Mauritius): The tragic developments and grave situation in the Middle East, Africa and Eastern Europe, among others, remind us once again of the need for the Security Council to take comprehensive measures to address the protection of those innocent civilians who have always been the first and easiest victims, both in inter-State and intra-State conflicts.

Mr. President, I salute your decision to include this item in the agenda of the Security Council. I express my delegation's appreciation of the tremendous efforts that your delegation has put into the preparation and negotiation of the aide-memoire before us. I equally commend the efforts and good work undertaken by the experts of the members of the Security Council and the Secretariat through their interactive consultation. I would also like to pay tribute to Mr. Oshima for his fruitful briefing that highlights the positive measures taken to protect innocent civilians in armed conflict.

There is no doubt that the aide-memoire provides an important framework for allocating responsibilities and obligations to each actor involved in the conflict, either directly or indirectly. Indeed, as Mr. Oshima has pointed out, the document is an unprecedented example of coordination and extensive consultation among the parties involved. The checklist now needs to be translated into action in order to bring positive results,

and I highly commend the proposal outlined by Mr. Oshima for doing this.

I would like to concentrate on four aspects regarding the protection of civilians in armed conflict. First, there cannot be real peace and security in a world where minimum protection to civilians is not guaranteed, whether in times of peace or of war. We must, therefore, condemn in unequivocal terms the continued violation of the basic norms of law and moral behaviour.

Secondly, the culture of impunity should, once and for all, be eliminated. We fully support the recommendations in bullet six of the aide-memoire in this regard. We applaud the efforts of the international community in the establishment of the International Criminal Court which, I understand, now needs only five ratifications to come into effect and which, we hope, will address all war crimes and crimes against humanity. The establishment of the two International Criminal Tribunals for the former Yugoslavia and for Rwanda respectively has clearly demonstrated the importance of such mechanisms at the international level. There is a growing consensus that international peace and reconciliation can come only after justice has been secured. International criminal proceedings will, in a way, play the role of healer and encourage the process of reconciliation. National interests should not outweigh the willingness to comply with international human rights norms.

Thirdly, it is imperative that all parties to any conflict ensure that humanitarian assistance is not interrupted in any of the areas affected by conflicts. The responsibility should be not only upon the Government, but also upon the opposing parties. Several reports on the humanitarian situations in States plagued by armed conflict have expressed grave concern over the dearth of humanitarian aid to innocent civilians. Those who violate humanitarian or regional norms should be made accountable either through domestic jurisdiction or through regional or international mechanisms.

Another point worth noting here is that when we talk of protecting civilians and extending humanitarian aid, we should not wait for a situation to deteriorate into armed conflict. This exacerbates the situation, and people start losing faith in the principles of human rights and humanitarian law.

Fourthly, and lastly, the Security Council should urge the parties concerned to establish a protective neutralized zone, as provided for in the Fourth Geneva Convention. All opposing parties should recognize this zone through concluding an explicit agreement under the guidance of the International Committee for the Red Cross or any other humanitarian agency. We would like to highlight here our appreciation at learning that, among the initiatives that have been taken or are being undertaken, the separation of combatants from refugee camps is being put into effect.

Finally, I would like to say that the crisis of credibility regarding efforts of the United Nations in protecting civilians in armed conflict not only makes security elusive, but also negatively impacts all actions taken or proposed to be taken by the United Nations. We hope this aide-memoire and the road map will wipe away doubt and apprehension and will give way to a culture of confidence.

The President: I thank the representative of Mauritius for his kind words addressed to my country.

Mr. Fall (Guinea) (*spoke in French*): I, too, wish to express the appreciation of my delegation to Mr. Kenzo Oshima for the useful information contained in the report that he has just given us. I would also like to congratulate the Norwegian presidency on having organized this discussion on the protection of civilians in armed conflict.

In so doing, the Council has demonstrated once again its desire to assume to a greater degree its responsibilities in the area of the maintenance of international peace and security. Here, I would like to point out the particular interest that my delegation attaches to this discussion, because, as the Council knows, my country belongs to a subregion that continues to be the theatre of several conflicts whose effects on civilians are terrifying.

The new nature of conflicts at the intra-State level has caused a new form of violence whose primary victims are civilian populations. This situation, which is an insult to, inter alia, human dignity, denies all respect for the elementary principles of international humanitarian law.

In the Millennium Declaration, adopted in September 2000, the Member States of the Organization pledged to expand and strengthen the protection of civilians in urgent, complex situations.

Several Council resolutions and presidential statements have stressed the gravity of the question and revealed the need to find a solution to it.

Therefore, my delegation supports steps under way for the implementation of the 54 recommendations of the Secretary-General with regard to the protection of civilians. As the Council knows, these recommendations cover three major areas: strategy, the aide-memoire and close cooperation between the Office for the Coordination of Humanitarian Affairs (OCHA) and the Department of Peacekeeping Operations (DPKO).

We are following with interest the elaboration of the road map, and we welcome the financial support provided by the Government of Norway. We hope that the final result of this work will be made available in November 2002, as announced by Mr. Oshima on 21 November 2001.

The aide-memoire before the Council today is the product of a long work process that takes into account the principal objectives, gives us guidance on issues to examine and provides a checklist of questions relating to the protection of civilians in armed conflict. We should like to recognize those who initiated this document and those who contributed to its elaboration. In our view, the checklist seeks to ensure that questions relating to the protection of civilians are taken into account in the process of peacekeeping operations. Accordingly, we believe that it is a reference tool for the Council.

We welcome the establishment of a multisectoral team composed of representatives of DPKO and OCHA. This will facilitate the taking into account of questions relating to the protection of civilians in the conception, planning and implementation of peacekeeping operations.

We think that the strategy document now being elaborated by OCHA takes into account all the aspects of the question. Moreover, my delegation would like to encourage and stress the importance of coordinating activities within the United Nations system, on the one hand, and between it, the other actors involved in the protection of civilians and Member States, on the other.

Finally, my delegation believes that the best way to protect civilians today lies in the prevention of conflicts and the establishment of an effective and consistent peace-building programme.

The President: I thank the representative of Guinea for his kind words addressed to my country.

Mr. Tafrov (Bulgaria) (*spoke in French*): Bulgaria wishes to pay tribute to Norway and to you, Mr. President, for having included this item on the Council's agenda. Today's debate is one link in a chain of activities and initiatives within the United Nations system devoted to the extremely important question of the protection of civilians in armed conflict. The follow-up to this debate will undoubtedly be extremely useful.

The aide-memoire that will be adopted shortly is an extremely useful tool for the Council's work, and I share the sentiments expressed by others on this subject. I would like to highlight a few aspects of the document that we consider extremely important: access to humanitarian assistance by vulnerable groups of a population; the importance attached to the special protection to be given to children and women; the separation of civilian populations from military elements in refugee camps; and lastly, the role of the media.

I would like to emphasize in particular the option included in the mandate of peacekeeping operations for disarmament, demobilization and reintegration programmes for former combatants. It is clear that the measures planned need to be adapted to specific conditions in crisis areas. They must be adequately financed and, above all, they must give due attention to the reintegration of children who have participated in conflicts. An instructive and very useful example is the reintegration of ex-combatants of the Revolutionary United Front in Sierra Leone. The daily work of the Council shows us the importance of this problem of reintegration, seen in crises such as those in the Democratic Republic of the Congo, Afghanistan and elsewhere.

As for the road map, which we await with interest, I should like to join the delegation of Singapore in hoping that it will not only be consistent with the aide-memoire, but will also set out concrete measures to implement these steps.

Finally, I should like to thank Mr. Kenzo Oshima for his briefing and for the important coordination work being done by the Office for the Coordination of Humanitarian Affairs (OCHA) and within the United Nations system. I should like to thank him in particular

for having given us very important examples, including the Sudan, where the situation is truly intolerable.

I should also like to mention the importance Bulgaria attaches to the training of humanitarian personnel for these missions. This might be reflected in a future update of the aide-memoire. We are also grateful that the sexual exploitation of children was mentioned, not only because of the media's strong interest in it, but also because it is a real problem. The United Kingdom's idea of establishing a code of conduct is most welcome.

In conclusion, I should like to say how important it is that the United Nations continue to coordinate its efforts with non-governmental organizations in the area we are discussing today. These organizations play a very important role in the protection of civilians in armed conflict, and my delegation hopes that that role will be highlighted in the activities of the United Nations.

The President: I thank the representative of Bulgaria for his kind words addressed to my country.

Mr. Wehbe (Syrian Arab Republic) (*spoke in Arabic*): It is a pleasure to congratulate you, Sir, on your initiative of resuming the Council's discussion of the protection of civilians in armed conflict. This is undoubtedly one of the most important issues before us, as Ambassador Levitte said in his statement and as we see from the statistics he provided. This issue is intimately bound up with the question of international humanitarian law in armed conflicts. I greatly appreciate the aide-memoire annexed to the draft presidential statement; it is truly a road map for our future work.

I would also like to join those who preceded me in thanking Mr. Oshima, the Under-Secretary-General for Humanitarian Affairs, for his briefing to the Council this morning. It demonstrated once again that he possesses true humanitarian spirit in his work of coordination and in organizing round tables on this issue. Last year, I had the honour of being in the Economic and Social Council when he discussed humanitarian issues.

What distinguishes today's discussion is that it complements previous debates in the Council, now that the Council has decided to focus on the question of protecting civilians in armed conflicts as an early warning element of the maintenance of international peace and security. We must recall that wars have taken a high toll of civilian victims — approximately 5 million during the past decade. As Ambassador Levitte said, civilians now make up 95 per cent of the victims of armed conflict.

The Secretary-General has submitted numerous reports providing information on the victims of armed conflicts and on grave violations of human rights. The Council bears a special responsibility to encourage Member States to fulfil their obligations with respect to the protection of civilians. Ways must be found to improve cooperation among the Security Council, the General Assembly and the Economic and Social Council, each according to its mandate. We must also work for coordination among the various agencies and partners of the United Nations to ensure the necessary effectiveness through a comprehensive methodology.

More than half a century has passed since the adoption of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. Even though the majority of States have ratified the Convention, its provisions remain largely unimplemented in armed conflicts. The international community must therefore accelerate implementation of international instruments in a serious manner, to provide the civil and legal protection demanded by international humanitarian law.

We have carefully listened to the statements made in this meeting. They primarily expressed the international community's concern for protecting civilians in armed conflict and for ensuring compliance with international humanitarian law. These statements have been impassioned calls to put an end to the hysteria the world has witnessed during the past few months and years. In these many conflicts, particularly those in Africa, Central Europe, the Middle East and Afghanistan, millions of civilians have been killed without justification. The world has been thoroughly confounded. However, too often, the Council's repeated appeals have not gone beyond the walls of this Chamber. Even worse, they have not prevented numerous instances of carnage in full view of the world.

That in no way means that we are blaming any party. It is only an attempt to spur our collective efforts so that we can address and resolve the essential problem. The positive effect of preventing the death of one single civilian in an armed conflict would

undoubtedly exceed that of thousands of words, statements and resolutions.

Let us be more frank. Let us ask some questions that shed light on this question. As a practical example of what is happening in the Middle East, do you not see as I do, Sir, the gravity of what is occurring in the occupied Palestinian territories and all the other occupied Arab territories? The Palestinian people is suffering, as Mr. Oshima stated in his intervention. Have not the forces of Israeli occupation killed more than 1,000 Palestinian civilians in the past few months alone? What did we, the Security Council, do to stop the advance of the Israeli tanks into Palestinian refugee camps, where they crushed the bones of scores of Palestinians? Even after yesterday's adoption of Security Council resolution 1397 (2002), the Israeli Prime Minister ordered the tanks to reoccupy Ramallah, where the headquarters of Chairman Arafat are located. Did not Israeli forces mutilate the bodies of those killed in the conflict? Were their bodies not thrown in the alleys? Were not Red Cross and Red Crescent ambulances prevented from transporting injured Palestinians, including many pregnant women, many of whom died at the checkpoints set up by the Israeli army? Did they not prevent many women in labour from reaching hospitals? Many of them gave birth at those checkpoints. Are they not human beings? Does international humanitarian law no longer apply when the subject is Palestinian citizens and Arabs who are defending on their own land their right to life, liberty and dignity? Palestinian civilians are unjustifiably being killed at the very moment when the Council is discussing the protection of civilians in armed conflict. Why does the Council not send a letter to the occupying force, telling Israel to stop the killing and destruction, to put an end to the carnage and to withdraw from the occupied Palestinian territories, as called for in the relevant Security Council resolutions?

The Syrian Arab Republic supports safe and unimpeded access to civilian populations in need of assistance. However, it is necessary to stress the need for the organizations providing international assistance to be unbiased and objective. We would like to congratulate the International Organization of the Red Cross and the United Nations Relief and Works Agency for Palestine Refugees in the Near East, which are making every effort to meet that goal.

We must commit ourselves to the Charter and to other international instruments, including General Assembly resolution 46/182, in a way that demonstrates respect for the sovereignty and territorial integrity of States, their political independence and their national laws. Such instruments should not be used for political purposes.

Syria supports the bringing to trial of those who commit the crime of forcibly transferring peoples under occupation from their land and replacing them with others, which is a grave violation of the Fourth Geneva Convention. People — including those under foreign occupation — particularly civilians suffering from the scourge of war and armed conflict attach great importance to our continued deliberations in this respect and to our determination to ensure the implementation of agreements, recommendations and international instruments to protect them and to ensure that conditions are in place to enable them to live a dignified life until such a time as their suffering can be ended. However, sincere political will is essential to ensure respect for these international laws, resolutions and instruments, in particular the principles of international humanitarian law, including the Fourth Geneva Convention of 1949, which is applicable to the protection of civilians under occupation. It is both important and necessary for us to stress this fact in Security Council resolutions that relate to armed conflict in all parts of the world. How can the Council fail to stress the importance of the implementation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War?

The aide-memoire annexed to the draft presidential statement refers to 30 resolutions and six presidential statements relating to the maintenance of international peace and security and the protection of civilians, including women and children, and others in armed conflict. But what about the practical implementation of those resolutions and presidential statements? Hence my comment that our appeals are confined merely to this Chamber.

In conclusion, I would like to pay tribute to the Governments of Norway and of Canada for their efforts to sensitize public opinion to the importance of the protection of civilians in time of war. I would also like to pay tribute to you personally, Mr. President, and to the other members of your delegation for the humanitarian qualities you demonstrated in preparing so well for our discussion of this matter.

The President: I thank the representative of the Syrian Arab Republic for his kind words addressed to me, to my delegation and to my country.

Mr. Aguilar Zínser (Mexico) (*spoke in Spanish*): Mexico welcomes the fact that the Security Council's work includes discussion of the significant matter of the protection of civilians in armed conflict. We are pleased that this is a priority issue of fundamental importance in the work of the Council. The protection of the lives and the human dignity of all individuals must be the ultimate goal of international action in preventing and resolving conflicts. That is why my country believes that is it necessary to reassess the way in which we think about the victims, according that issue due importance in dealing with conflict.

The central focus of United Nations peace operations and of the steps that must be taken to prevent conflict must be the protection of innocent civilians. This must be — indeed, in the experience of the United Nations, it has been — one of the fundamental grounds for the establishment of peacekeeping operations.

Mexico therefore acknowledges the efforts made by the Secretary-General in preparing and submitting the aide-memoire — a document that was produced in close cooperation with Member States. In this context, my country acknowledges the special work carried out by Norway to promote the preparation of that document, and to accord priority to this matter and establish its importance within United Nations peacekeeping activities. We hope that this work will be ongoing, and not just an isolated effort.

Mexico is in favour of greater contacts and exchanges between the principal bodies of the Organization, in particular the General Assembly and the Security Council. The aide-memoire will strengthen the link between those two organs, holding them responsible for working together on this issue. Furthermore, the document will help make the work of the Security Council more open and transparent. It will thus be a useful tool for consultation, making it much easier to observe the Council's work on issues such as the effects of conflict on the most vulnerable and fragile human beings caught up in situations of violence — who are often, of course, women and children.

The fact that the aide-memoire is to be applied on a case-by-case basis, rather than as a prescription for every situation, should also be emphasized. We must take into account the specific circumstances of each conflict. In this respect, we must commit ourselves to revising and updating the aide-memoire in the light of all the experience gained.

In responding to your recommendation, Mr. President, in convening this meeting, that we should have an interactive debate and raise issues in order to consider, together, what course of action to take, I would like to stress the need to set out specific time frames and mechanisms for updating the aide-memoire so that it will be an instrument in constant flux — a living tool. It would thus be appropriate to establish a specific time frame within which this process can be carried out.

I would also like to raise the question of how that tool is to be incorporated into the work of the Organization and of other bodies that can play an important role in protecting civilians in conflict situations. For example, how can this effort be linked with the specific work being done by the United Nations Children's Fund, the Office of the High Commissioner for Refugees, the World Food Programme and the Special Representative of the Secretary-General for Children and Armed Conflict? Once progress is made on the aide-memoire — and we are pleased at the work done on it — we would be interested in knowing the status of the progress made in the other two areas in which the Secretariat is working: the road map and improving cooperation between the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations, as well as the cooperation that other bodies of the system are providing.

I would like to highlight the issue of a code of conduct for all United Nations personnel working to care for the victims of armed conflict. My delegation has on a number of occasions, both here and in other forums, expressed its views regarding the urgent need to establish a code of conduct for all United Nations personnel and, as was stated here by the delegation of the United Kingdom, for all others who work under the United Nations flag. This is a matter whose importance for the Organization is growing daily. Recent reports of possible serious abuses committed by staff associated with the United Nations doing humanitarian work in West Africa has drawn the attention of Members of the Organization to the need to formulate such a code of conduct as soon as possible. As a backdrop to this we

already have at our disposal the 10 rules of personal conduct to which Blue Helmets commit themselves. But this effort must go far beyond that. My delegation would like actively to participate in promoting this task.

Before concluding, I would like to note the presence in the Mexican delegation of the Under-Secretary for Foreign Affairs for Human Rights, Ms. Mari Claire Acosta Urquidi, who is taking part in this meeting precisely because of the importance that my country attaches to the subject of human rights in general, and in this instance to the human rights of civilians in armed conflict.

The President: I thank the representative of Mexico for his kind words addressed to my country.

Mr. Karev (Russian Federation) (*spoke in Russian*): Allow me, first of all, to thank Mr. Kenzo Oshima for the detailed briefing he has given us today on the protection of civilians in armed conflict.

The problem of protecting civilians in armed conflict remains one of the most burning issues of our day. In our view, it is only normal that the Security Council, which bears the primary responsibility under the Charter for the maintenance of international peace and security, should give its constant attention to this issue. Security Council resolutions 1265 (1999) and 1296 (2000) have established a solid basis for the Council's work in this area. We are grateful to the Secretary-General for his reports on the protection of civilians, which outline for the Council areas in which to make further efforts to protect civilians. We are also grateful for the Secretariat's contribution in preparing the aide-memoire.

Russia's position on this question is based on the need for an effective and adequate international response to any crises, including humanitarian ones. The international community has developed an excellent legal basis for the attainment of the noble goal of protecting the lives and health of persons not directly engaged in armed conflict. We have in mind primarily the Geneva Conventions of 1949 and the Additional Protocols thereto. Unfortunately, we must point out that there is a large gap between written law and the practical implementation of these vital norms.

Russia knows from bitter experience what war is and the suffering it causes to people. Many of the victims of armed conflict are women, children and elderly persons. Representatives of political and humanitarian missions of the United Nations and of non-governmental organizations perish in the flames of these conflicts. We support strengthening coordination and cooperation between the Security Council and the International Committee of the Red Cross and other bodies that, under the division of labour that has emerged, are reacting to a variety of challenges in the humanitarian sphere.

Of course, in all circumstances the primary responsibility for ensuring that civilians are spared the brunt of conflict lies with the parties to an armed conflict. In our view, the draft aide-memoire drawn up by our experts is a practical step in protecting civilians. We hope that it will provide valuable assistance to the Security Council in complying with its peacekeeping mandate.

In conclusion, allow me to thank you and your delegation, Mr. President, for having taking the initiative to hold this meeting, and for the great contribution you have made in the preparation of the aide-memoire.

The President: I thank the representative of the Russian Federation for his kind words addressed to my delegation.

Mrs. Mahouve Same (Cameroon) (*spoke in French*): I too would like to thank Mr. Kenzo Oshima for his very useful briefing, which was highly instructive and which has given us a better understanding of the developments on issues that arise daily in the work undertaken to reduce the suffering of civilians trapped in conflicts. I would also like to welcome the aide-memoire on this issue drafted under the coordination of the delegation of Norway and the Office for the Coordination of Humanitarian Affairs (OCHA).

Humanitarian suffering caused by armed conflict reminds us of the need for robust and concerted action on the part of Governments, the Security Council and others in a position to make a genuine contribution to the implementation of all the recommendations contained in the first and second reports of the Secretary-General on the protection of civilians in armed conflict (S/1999/957 and S/2001/331), so as to improve the protection accorded them.

The types of conflicts have now changed to include communal violence, ethnic cleansing, terrorism

and private wars financed by the international trade in oil and diamonds. These are in essence internal conflicts marked by a proliferation of armed groups. Faced with the change in the situation, new mechanisms and strategies are now necessary. We need to establish a culture of protection, which will depend on the capacity of the United Nations and the international community to meet the challenges of this new situation.

I should like to make the following comments. Regarding penal justice, we think any form of impunity in the area of humanitarian law or human rights violations in which civilians in conflicts are victims should be effectively combated.

We welcome in this respect the progress that was made last year in the matter of decisions taken by the Security Council to set up a group of ad litem judges for the International Criminal Tribunal for the former Yugoslavia, to increase the number of judges at the International Criminal Tribunal for Rwanda and to create a special independent tribunal for Sierra Leone.

Turning to access to civilians in the case of conflicts, nothing has as much of a real impact on civilians in conflicts as humanitarian aide to meet their most urgent and immediate basic needs. We welcome in this regard the initiative of the Secretary-General described in paragraph 26 of his report S/2001/331, which deals with working out a manual on criteria for engagement and disengagement of humanitarian organizations that are being set up. We encourage the Council to continue active dialogue with parties in conflict and also to use fact-finding missions in conflict areas.

The separation of civilians from armed elements remains, for our country, a crucial problem to be resolved with determination because of the numerous problems caused by the infiltration of armed elements in the camps and the regroupment areas of refugees and displaced persons. This infiltration sometimes reaches the point of destabilizing some countries and regions, in addition to the many dangers that ensue with regard to the lives of civilians and humanitarian staff. The measures described in paragraph 35 and 36 of the report S/2001/133 of the Secretary-General, in particular the June 2000 agreement between the Department of Peacekeeping Operations and the Office of the United Nations High Commissioner for Refugees, are still topical and should continue to receive every attention from the Council.

With regard to the media, we are all aware of the importance of this sector in conflict situations. It is an area where the Council has in its resolution 1296 (2000) provided for the opportunity for action to be taken against those who incite hatred, crime and genocide. My country favours a mechanism to monitor the local media.

With regard to actors providing civilian protection, consideration should be given to the complementary role that certain elements in the international community — regional organizations, civil society, actors in the private sector, women and young people — could play, with impetus and coordination provided by the United Nations.

Finally, Cameroon encourages the Council to keep up the momentum that it has already gained to advance civilian protection and meet the humanitarian needs of vulnerable groups such as women and children. Special attention should be given to the participation of women in the determination of strategies for protection as well as in negotiating peace agreements.

The President: I thank the representative of Cameroon for the kind words addressed to my delegation. I shall now make a statement in my capacity as the representative of Norway. It will be brief.

Protection of civilians is at the core of the Security Council's work for peace and security. Norway therefore attaches great importance to this issue on the Council's agenda.

Like the speakers before me, I would like to thank Under-Secretary-General Oshima for his comprehensive and very informative briefing. In particular, we would like to thank him for the many concrete examples he provided of specific situations and ongoing crises where protection of civilians is a highly relevant concern. These concerns neither can nor should be overlooked. Those responsible for endangering the protection of civilians must take immediate action to prevent such occurrences.

The examples mentioned in the briefing clearly demonstrate the relevance of the aide-memoire on protection of civilians in armed conflict that we are about to adopt. Norway would like to thank

Mr. Oshima and his colleagues in the Office for the Coordination of Humanitarian Affairs (OCHA) and the many other United Nations institutions involved for their very constructive cooperation in preparing the aide-memoire and the high quality of their contributions. We welcome OCHA's readiness to continue to work closely with the Council in the same spirit. I would also like to thank all the other delegations for their cooperation in working out the draft statement that we are going to adopt later.

It is worth noting the considerable precedence for addressing concerns related to protection of civilians represented by the nearly 40 references to previous Security Council resolutions and presidential statements contained in the aide-memoire. This proves both the relevance of the issue and the Council's commitment to addressing these concerns. But the situations cited clearly show that we have to do better. While we believe that the aide-memoire is a powerful and practical tool, the job is far from finished. We reaffirm Norway's readiness to continue to work closely with the Secretariat and other Council members to make further progress with regard to protection of civilians in armed conflict.

It is our hope that the aide-memoire will serve as a practical tool box that will enable the Council in the future, while it deals with the conflicts on its agenda, to become more effective in addressing concerns related to protection of civilians. However, like any other tool, it will be useful only to the extent that it is utilized to solve particular tasks. I encourage you all to make active and frequent use of this new tool box.

I shall now resume my function as President of the Council. I now give the floor to Mr. Oshima to respond to the comments and questions raised.

Mr. Oshima: First of all, I would like to express my gratitude for the kind words about the work of my Office and of my colleagues in various humanitarian agencies and their partners. I am also very pleased that the aide-memoire has been very positively received. I look forward to working closely on this matter with the members of the Council, including updating and revising it as necessary, and to keeping the Council informed about new developments that may require its involvement.

I am also grateful for the Council's general appreciation of the closer cooperation between the Office for the Coordination of Humanitarian Affairs (OCHA) and the Department of Peacekeeping Operations (DPKO) in the future. In this regard, I noted a couple of points that I would like to briefly address. One was the suggestion made by the representatives of the United Kingdom and the United States inviting OCHA to join briefings with DPKO on the matter of protection in the context of its deliberations on peacekeeping mandates. I would like to thank those two delegations for this suggestion.

I have already raised this possibility with my colleagues from the Department of Peacekeeping Operations, and I would very much welcome the opportunity to do so in future, as the need arises.

Another related matter was raised in this connection. A proposal was made by the representative of Singapore to see whether it would be useful to carry out a review of all peacekeeping operations against the background of the aide-memoire. I think that this is a very useful suggestion, and I should like to thank the representative of Singapore for raising this point. I should like to discuss this matter further with Under-Secretary-General Guehenno, in the spirit of the understanding we have reached on closer cooperation between the two bodies.

Allow me to try briefly to respond to some of the questions raised. First, with respect to the allegations made concerning West Africa, as I noted in my briefing, what we have been doing so far is to follow exactly the overall guidelines that the Secretary-General himself has provided. He directed that these allegations be investigated as thoroughly and urgently as possible, and the Office of Internal Oversight Services has already launched its investigation. As I have already indicated, the results of the investigation will be published in a report to the Secretary-General to ensure that there is transparency in the conduct of this investigation. As the Secretary-General also has indicated, this will be done in an expeditious manner.

There is another aspect to this problem, and that is to also look into remedial or preventive measures in order to prevent or minimize the problem. For that purpose, as Emergency Relief Coordinator, I have asked, as Chairman of the Inter-Agency Standing Committee (IASC), for the establishment of a task force that will provide specific policy recommendations and desirable preventive or remedial measures to address the vulnerability of children and women. The task force, it is hoped, will come up with

its recommendations by early April. Those recommendations will include measures to be taken internally by each organization.

I will also ask the task force, within the IASC, to elaborate a code of conduct for all humanitarian professionals. We hope to be able to come up with some standardized code of conduct applicable to all professionals engaged in humanitarian activities, whether within the United Nations or outside — hopefully, also including non-governmental organizations in this respect. As I understand it, the Department of Peacekeeping Operations is already working on this issue for peacekeeping operations, and, naturally, we will be closely coordinating and cooperating with that Department on developing measures that need to be put in place to address this problem.

It was asked whether it might be necessary to look at this issue as one that is not confined only to West Africa but that could extend beyond it. The policy of zero tolerance laid down by the Secretary-General, of course, covers not just the allegations in West Africa, but applies to this issue anywhere in the world. In that light, the IASC members agreed on the need to assess, at a later stage, the underlying causes, including poverty and the misuse of power and influence by relief workers in West Africa and elsewhere. Naturally, we are concerned with the wider implications of this problem.

Very briefly, I should like to answer a question raised by the representative of Colombia on issues relating to access — especially in the context of the development of guidelines or manuals. We are indeed engaged in an exercise which, hopefully, will enable us to develop some meaningful guidelines or a manual which will be used in our negotiations to obtain access in the delivery of humanitarian assistance. To that end, an inter-agency process has already been initiated to produce guidelines that will be based on best practices for United Nations humanitarian field staff. The guidelines will provide practical steps on when, how and on what basis to engage or disengage with armed groups.

The agency staff concerned have just concluded a one-day retreat in Geneva to elaborate on the annotated outline, and they expect to hear more from experts from the International Committee of the Red Cross and from think tanks, and they will continue their efforts to arrive at some guidelines.

Regarding respect for international humanitarian law, I share the concerns expressed by the representative of Syria, with whom I had the great pleasure of working in the context of the Economic and Social Council, that the Geneva Convention and other standards of international human rights law must be more strictly observed. I should like to commend, in this regard, the untiring efforts that the International Committee of the Red Cross in particular has made over the past 50 years to urge respect for international humanitarian law. I believe that, in many cases, they have succeeded in achieving compliance. I would hope that the Council will continue and, where necessary, step up its efforts to promote compliance with the recognized standards of international humanitarian law around the world.

I wish to say a little about developing the road map, as I have indicated briefly, as part of our effort to take the aide-memoire out of the Security Council Chamber in New York to the broader stages and as part of our own training exercises. We intend to hold workshops and training sessions on the issue of protection of civilians, including practical application of the aide-memoire, for our staff in the field, government officials, academic institutions and practitioners and others. We intend to do this in Asia, Africa, America and other places in the coming months. In our work, we will try to mainstream protection issues further into decision-making and policy development.

I am sorry if I have not responded to all questions and requests for clarifications made, but I would like to thank you again, Sir, for the opportunity.

The President: There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 12.20 p.m.